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★ JUL 05 2012 ★

LONG ISLAND OFFICE

12-0637M

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

AFFIDAVIT IN SUPPORT  
OF ARREST WARRANT

- against -

(8 U.S.C. § 1326(a) and  
1326(b)(2))

ALEXANDER FRANCO,  
also known as "Jose Martinez"  
and "El Guana,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

JOSEPH PISCIOTTA, being duly sworn, deposes and states  
that he is a Special Agent with Homeland Security Investigations  
("HSI"), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to  
believe that on or about June 29, 2012, the defendant ALEXANDER  
FRANCO, also known as "Jose Martinez" and "El Guana," being an  
alien who had previously been arrested and convicted of an  
aggravated felony, and was thereafter deported from the United  
States, and who had not made a re-application for admission to  
the United States to which the Secretary of the Department of  
Homeland Security, successor to the Attorney General of the

United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Sections 1326(a) and 1326(b)(2))

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. I am a Special Agent with HSI and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the HSI investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. HSI records reveal that the defendant ALEXANDER FRANCO, also known as "Jose Martinez" and "El Guana," is a citizen of El Salvador.

3. The defendant's criminal history indicates that he was arrested on or about November 15, 2006 and convicted in connection with that arrest on or about March 9, 2007 in Suffolk County, New York, of Rape in the Second Degree, in violation of Section 130.30(1) of the New York Penal Law, for which he was sentenced on April 13, 2007 to one year imprisonment.

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<sup>1/</sup>Because the purpose of this Affidavit is to establish only probable cause to arrest, I have not set forth a description of all the facts and circumstances of which I am aware.

4. On or about November 9, 2007, the defendant was deported from the United States to El Salvador. A search of HSI records has revealed that there exists no request by the defendant for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after deportation.

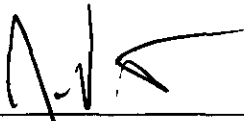
5. On or about June 6, 2012, HSI received information from the Suffolk County Sheriff's Department that the defendant ALEXANDER FRANCO, also known as "Jose Martinez" and "El Guana," was working at a restaurant located in Oakdale, New York in Suffolk County. On that same date, HSI agents interviewed one of the managers of the restaurant where the defendant was alleged to work. Without divulging the defendant's identity, HSI agents asked the manager if he recognized the defendant's photograph, which was taken from the defendant's "rap sheet." In the defendant's rap sheet photograph, the defendant's neck tattoo "El Guana" is partially visible.<sup>2/</sup> The manager confirmed that the defendant worked there, but went by the name "Jose Martinez." The manager also provided the agents with the defendant's home address at 274 Grand Boulevard in Deer Park, New York, where the manager had previously dropped the defendant off after work.

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<sup>2/</sup> The defendant's neck tattoo "El Guana" is also visible in the photograph contained in the defendant's A-File taken prior to the defendant's deportation in 2007.

6. On or about June 29, 2012, at about 8:30 a.m., a Detective with the Suffolk County Police Department saw the defendant leaving the residence located at 274 Grand Boulevard in Deer Park, New York. The Detective recognized the defendant based on his "rap sheet" photograph, which was the same photograph showed to the restaurant manager, and also noticed a tattoo on the defendant's neck.

WHEREFORE, your affiant respectfully requests that an arrest warrant be issued for the defendant ALEXANDER FRANCO, also known as "Jose Martinez" and "El Guana," so that he may be dealt with according to law.

  
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JOSEPH PISCIOTTA  
Special Agent  
Homeland Security Investigations

Sworn to before me this  
5th day of July, 2012

S/ E. THOMAS BOYLE, MJ

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UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK  
